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Sent: Thursday, September 25, 2014 1:39 PM
To: TrialsRFC2014
Cc: rjr@piausa.org
Subject: "Request for Comments on Trial Proceedings Under the America Invents Act Before the Patent Trial and Appeal Board"

In responding to the request, inventors generally request and recommend that any such proceeding be no more demanding, such as but not limited to, than the time periods to respond and the general rules pertaining to response by patentee as are applied in prosecution before the PTO. These proceedings should be applied in a manner to be preferential to small entities and sole inventors to allow them a fair opportunity to survive any such challenges which is only reasonable and fair considering that small entities will often spend a far greater portion of their time and capital in securing their patents than large entities. Small entities generally depend far more on their patent than large entities who are far better able to secure their markets by their size alone. The burden of proof for invalidation of any patent owned by a small business as defined by the Small Business Administration should be on the requestors. It should not be the responsibility nor the burden of the PTO to prove invalidity. In this manner the PTO will maintain independence and objectivity. In any such proceeding small businesses should be permitted to amend existing claims and submit new claims in any manner permitted in prosecution before the PTO.

Further, the PTO should be required to appoint a minimum of 50% of the members of its advisory board who are sole inventors, small businesses as defined by the Small Business Administration, or service providers whose practice is predominantly in serving sole inventors and small businesses as defined by the Small Business Administration.